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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,628	09/25/2003	Joseph Bekanich	67392-014	7321
20277	7590	09/20/2005	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			TIEU, BINH KIEN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/669,628

Applicant(s)

BEKANICH, JOSEPH

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-21, 23-34 and 36-39 is/are rejected.
- 7) ☒ Claim(s) 9, 22 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 14-16 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Raith (U.S. Pat. No.: 6,493,547).

Regarding claim 1, Raith teaches a wireless communication device, as shown in figure 3, comprising:

a transmitter/receiver capable of transmitting and receiving a plurality of data signals (i.e., RF Transceiver 370);

a microprocessor connected to the transmitter/receiver (i.e., controller 360) and configured to detect a device event (i.e., detecting outgoing call, roaming, call setup, etc. data), and provide monitoring information indicative of the usage of the wireless communication device during the occurrence of the detected device event (paragraph [0026]); and

a display capable of continuously displaying the monitoring information during the device event and after the end of the device event (col.8, lines 59-67).

Regarding claims 2-3, note col.11, lines 10-44.

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Regarding claim 14, Raith teaches a method of monitoring usage of a wireless communication device, as shown in figure 3, comprising:

detecting a device event of the wireless communication device (i.e., detecting outgoing call, roaming, call setup, etc.),

monitoring an available usage of the wireless communication device during the occurrence of the detected device event (paragraph [0026]); and

continuously displaying the available usage of the wireless communication device during the occurrence device event and after the termination of the device event (col.8, lines 59-67).

Regarding claims 15-16, note col.11, lines 10-44.

Regarding claim 27, Raith teaches a computer readable medium containing a program capable of causing a computer to perform a method of monitoring usage of a wireless communication device, as shown in figure 3, comprising the steps of:

detecting a device event of the wireless communication device (i.e., detecting outgoing call, roaming, call setup, etc.),

monitoring an available usage of the wireless communication device during the occurrence of the detected device event (paragraph [0026]); and

continuously displaying the available usage of the wireless communication device during the occurrence device event and after the termination of the device event (col.8, lines 59-67).

Regarding claims 28-29, note col.11, lines 10-44.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-7, 10-12, 17-19, 23-25, 30-32 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (U.S. Pat. #: 6,493,547) in view of Bhogal et al. (Pub. No.: US 2002/0193092 A1).

Regarding claim 4, Raith teaches the controller/microprocessor 360 receiving, providing and instructing to display time usage, historical information and alarms to subscriber. Raith fails to clearly teach the feature of selectively removing or to reset historical information such as remaining time usage, etc. of current billing cycle. However, Bhogal et al. ("Bhogal") teaches such feature in paragraphs [0026] and [0027].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of feature of selectively removing or reset of historical information, as taught by Bhogal, into view of Raith in order to keep track time usage of a new billing cycle.

Regarding claim 5, Bhogal further teaches the features of the claim in paragraphs [0019]-[0021] and [0026]-[0027].

Regarding claim 6, Raith further teaches limitations of the claim in col.10, lines 6-11 and col.11, lines 52-64.

Regarding claim 7, Bhogal further teaches limitations of the claim in paragraph [0028].

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Regarding claims 10-11, Raith further teaches limitations of the claim in col.12, lines 1-21.

Regarding claim 12, Bhogal further teaches limitations of the claim in paragraphs [0026]-[0027].

Regarding claim 17, the limitations of the claim is rejected with the same reasons set forth in rejection of claim 4 above.

Regarding claim 18, Bhogal further teaches the features of the claim in paragraphs [0019]-[0021] and [0026]-[0027].

Regarding claim 19, Raith further teaches limitations of the claim in col.10, lines 6-11 and col.11, lines 52-64.

Regarding claims 23-24, Raith further teaches limitations of the claim in col.12, lines 1-21.

Regarding claim 25, Bhogal further teaches limitations of the claim in paragraphs [0026]-[0027].

Regarding claim 30, the limitations of the claim is rejected with the same reasons set forth in rejection of claim 4 above.

Regarding claim 31, Bhogal further teaches the features of the claim in paragraphs [0019]-[0021] and [0026]-[0027].

Regarding claim 32, Raith further teaches limitations of the claim in col.10, lines 6-11 and col.11, lines 52-64.

Regarding claims 36-37, Raith further teaches limitations of the claim in col.12, lines 1-21.

Regarding claim 38, Bhogal further teaches limitations of the claim in paragraphs [0026]-[0027].

5. Claims 8, 20-21 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (U.S. Pat. #: 6,493,547) in view of Bhogal et al. (Pub. No.: US 2002/0193092 A1) as applied to claims 1, 14 and 27 above, and further in view of Campbell (U.S. Pat. #: 6,453,029).

Regarding claims 8, 20-21 and 33-34, Raith further teaches the feature of providing a alarm signal to operator when the time usage exceeded the predetermined threshold. Raith and Bhogal, in combination, fails to clearly teach the feature of providing multiple warnings at different thresholds to operator. However, Campbell teaches such feature in col.5, line 64 – col.6, line 21.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of providing multiple warnings at different thresholds to operator, as taught by Campbell, into view of Raith and Bhogal, in order to provide caller with time notification of completing conversation with called party.

6. Claims 13, 26 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (U.S. Pat. #: 6,493,547) in view of Bhogal et al. (Pub. No.: US 2002/0193092 A1) as applied to claims 1, 14 and 27 above, and further in view of Crane (U.S. Pat. #: 6,463,305).

Regarding claims 13, 26 and 39, Raith and Bhogal, in combination, teaches all subject matters as claimed above, except for the feature of displaying minutes of remaining battery

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of displaying minutes of remaining battery charge, as taught by Crane, into view of Raith and Bhogal in order to provide aware of disconnection of a phone call may caused by loss power of battery.

*Allowable Subject Matter*

7. Claim 9, 22 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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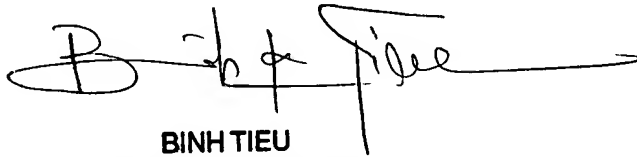
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A handwritten signature in black ink, appearing to read "Binh Tieu", with a long horizontal flourish extending to the right.

**BINH TIEU**  
**PRIMARY EXAMINER**

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Date: September 15, 2005